Supreme Court, U.S.
MOTION FILED

JAN 15 2016

No. 15-274

IN THE
SUPREME COURT OF THE UNITED STATES

WHOLE WOMAN'S HEALTH, et. al., *Petitioners*

v.

KIRK COLE, COMMISSIONER, TEXAS DEPARTMENT OF STATE HEALTH SERVICES, et. al., *Respondents*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MOTION TO ALLOW COUNSEL, OR GUARDIAN AD LITEM, TO REPRESENT ALL UNBORN PERSONS

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MOTION TO ALLOW COUNSEL TO REPRESENT ALL UNBORN PERSONS

In effect, this is a motion to intervene to represent persons who have a vital interest in this cause, but are not represented by counsel.

1. The Court is moved to allow counsel or guardian ad litem, to appear in this Court to represent the unborn persons being killed by *Roe v. Wade*, 410 U.S. 113 (1973), and to defend their right to life under the U.S. Constitution. None of the parties have represented this interest of all unborn persons.

2. Counsel demonstrates that the U.S. Constitution is designed in the language of mathematics to establish, to an **ABSOLUTE MATHEMATICAL CERTAINTY**, that the right to life secured by the Preamble, Fifth and Fourteenth Amendments includes all unborn persons, along with all other persons in America, with no exceptions whatsoever.

3. Thus, this motion if granted would dispose of the entire case in favor of the respondents.

4. **Wherefore**, the court is moved (a) to allow Alan Ernest to represent all unborn persons to defend their constitutional right to life, and (b) to appear at oral argument as counsel, or guardian *ad litem*, for thirty minutes or more.

Submitted by:
Alan Ernest,
Counsel

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J.F Archbold, 1 *Complete Treatise on Criminal Procedure, Pleading and Evidence* (Waterman Am. Ed. 7th ed. 1860)....5

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ARGUMENT IN SUPPORT OF THE MOTION

Summary of Argument

Under the Fifth and Sixth Amendments, all unborn persons have a right to be represented by counsel to demonstrate that the U.S. Constitution is designed in the language of mathematics to establish, to an **ABSOLUTE MATHEMATICAL CERTAINTY**, that the right to life secured by the Preamble, Fifth and Fourteenth Amendments includes all unborn persons, along with all other persons in America, with no exceptions whatsoever.[1]

ARGUMENT

I.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:
The Justices of the U.S. Supreme Court decree **MASS MURDER IS LIBERTY.**

In Roe v. Wade, the Justices usurped a discretionary power, a power "unhampered by legal rule," to decree the killing of unborn persons, defined by statutory law to be murder, to be "liberty."

Compliance with Supreme Court Rules: Counsel is the sole author of this motion and supporting arguments. Counsel made the sole monetary contribution to pay for the preparation and submission of this motion. Counsel is neither affiliated with, nor receives any help from any corporation.

[1] The amicus curiae brief by the *Legal Defense for Unborn Children*, filed herein, is incorporated by reference.

A.

1. In 1976, a physician showed this photograph to Congress and explained that Roe v. Wade permitted second trimester hysterotomy abortions, and children killed by this abortion procedure can be "born alive:"

> "With few exceptions, babies aborted by this method will all move, will all breathe, and some will cry .... Almost all were **born alive**."[2]

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[2] Hearings on Constitutional Amendments on Abortion, before subcomm. On Civil and Constitutional Rights, of the House Comm. Of the Judiciary, 94th Cong., 2d Session, Ser. 46, Part 1 at 397 (1976). (Emphasis added).

2. And, the State of Georgia expressly forewarned the Court that certain abortions were defined to be "murder."[3] But the Court scorned that warning and decreed those very killings to be "liberty."[4]

3. And, by 1973, States had decided that in the third trimester a child need not be "born alive," but was a human being within their murder statute if the child were killed "in the process of being born."[5] But the Court also decreed those murders to be "liberty."[6] Under *Roe* v. *Wade,* doctors can kill children in the process of being born.

B.
The Court decreed killings to be "liberty" which Americans had condemned as "murder" since the earliest colonial times.

1. America's first settlement at Jamestown followed the English common law, as did other colonies. The common law defined an abortion, in which a "quick" (about 4 months gestation) child died after being

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[3] *Doe* v. *Bolton*, 410 U.S. 179 (1973), Brief for Appellees 52-53.

[4] *Roe* v. *Wade*, 410 U.S. 113, 153 (1973). The Court decreed a right to abortion to be "founded in the Fourteenth Amendment's concept of personal liberty."

[5] *People* v. *Chavez*, 77 Cal. App. 2d 621, 626 (1947).

[6] *Doe* v. *Bolton*, 410 U.S. 179 (1973). The Court decreed that abortions could be performed in the third trimester to protect the woman's "health," which the Court ruled included "all factors physical, emotional, psychological, familial, and the woman's age - relevant to the well being of the patient." In effect, this too is abortion on demand.

"born alive," to be "murder."[7] Even if not yet viable, if the child was "born alive," Coke (the standard 17th century legal authority) condemned the abortion as "so horrible an offense" and "this is murder."[8]

2. Thomas Jefferson wrote that Coke's work was "the fundamental code of English law"[9] which makes it a foundation of American liberty.

3. The English writers cited this as the correct statement of the law.[10] And English courts followed this law.[11]

4. The English common law was the law of the land in colonial America. By allowing second and third trimester abortions, the Court decreed killings to be "liberty" which Americans had defined to be "murder" since earliest colonial times.

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[7] Coke, 3 *Inst.* 50; Hawkins, 1 *Hawkins* Ch. 13, s. 16; Blackstone, 4 *Bl. Com.* 198.

[8] Coke, 3 *Institutes* 50.

[9] Jefferson wrote of Coke's *Institutes*: "This work is executed with so much learning and judgment, that I do not recollect that a single position in it has ever been judicially denied....It may still be considered as the fundamental code of English law." Thomas Jefferson, 14 *Writings of Thomas Jefferson* 57 (1907).

[10] J.F. Archbold, 1 *Complete Treatise on Criminal Procedure, Pleading and Evidence* 783 (Waterman Am. Ed. 7th ed. 1860); W.O. Russell, 1 *Treatise on Crimes and Misdemeanors* 671-672 (4th ed. 1865).

[11] *Regina* v. *West*, 2 C & K 784 (1848).

C.

The Justices, who support the Roe v Wade killings, decreed killings to be "liberty" which the framers and adopters of the Constitution's

Preamble, Fifth and Fourteenth Amendments had defined to be "murder."

1. The English common law is the dictionary which American courts use to construe the state and federal homicide statutes.[12]

2. By the time the Fourteenth Amendment was adopted in 1868, American legal authorities and State supreme courts had long followed the common law rule that second and third trimester abortions were murder if the child were born alive. And viability was irrelevant. If death were caused by the child being too immature to survive outside the womb, the abortion was murder.

3. In 1859 the American Medical Association reported the law of ***murder*** which existed throughout the United States:

> "If a person, intending to procure abortion, does an act which causes the child to be born earlier than its natural time, and therefore in a state much less capable of living, and it afterwards die in consequence of such premature exposure, the person who by this misconduct brings the child into

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[12] *Clarke* v. *State*, 117 Ala. 1 (1898); *Hamilton* v. *United States*, 26 App. D.C. 382 (1905).

the world, and puts it into a situation in which it cannot live, is guilty of ***murder***." [13]

4. This was the uncontradicted view in the United States when the Fourteenth Amendment was adopted.[14] This definition of murder was approved by the preeminent legal writers of the 19th century,[15] and it was adopted by State supreme courts.[16] It was still the law in 1973.[17] In 1975 the New Jersey courts applied this law of murder to an unviable fetus born alive:

"That a fetus may be the victim of murder if it be born alive has long been a part of our common law....Coke, *Institutes* 58 (1648)."[18]

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[13] Reported in A. S. Taylor, *A Manual of Medical Jurisprudence* 462 (6th ed. 1866). (Emphasis added). He described the AMA report as "a complete and comprehensive exhibit of laws of each of the United States." Id., at 460.

[14] J. P. Bishop, 2 *Commentaries on the Criminal Law* 365 (4th ed. 1868); A. S. Taylor, *supra* note 23, at 462, 517 (1866).

[15] F. Wharton, *A Treatise on the Law of Homicide in the United States* 93 (1855); Bishop, *supra* note 24; Taylor, *supra* note 23.

[16] *Clarke* v. *State*, 117 Ala. 1 (1898); *Watson* v. *State*, 117 A 2d 549 (1955); *Porter* v. *Lassiter*, 87 S. E. 2d 100 (1955); *People* v. *Chavez* 176 P. 2d 92 (1947); *Bennett* v. *State*, 377 P. 2d 634 (1947); *Singleton* v. *State*, 35 So. 2d 375 (1948).

[17] 2 L. Burdick, *The Law of Crime* 156 (1946); 1 *Wharton's Criminal Law and Procedure* 434 (12th ed. 1957); R. Perkins, *Criminal Law* 30 (2d ed. 1969).

[18] *State* v. *Anderson*, 343 A. 2d 505, 508 (1975), aff'd 413 A. 2d 611 (1980). The court rejected the claim it was not murder because "the infants were never capable of maintaining a separate and independent existence." *Id.* at 615.

5. For almost four centuries governments came and went in America, but this law of murder endured as the law of the land. And it is binding on the U.S. Supreme Court.[19]

6. Yet the Court ruled that States could not protect unborn life until the third trimester which the Court set at viability- "about 7 months."[20] But in effect (due to the Court's definition of the mother's "health") States could not protect unborn life anytime prior to actual birth.

Conclusion: the Court decreed both second and third trimester abortions to be "liberty" which this country had always defined to be "murder."

II.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:

To maintain their Roe v. Wade killings, the Justices of the U.S. Supreme Court, and the U.S. Government itself, claim in open court that they have the power to decree the mass murder and extermination of Jews, or anyone else, to be liberty.

1. When Justices of the U.S. Supreme Court were accused of mass murder in the U.S. District Courts, the U.S. Government defended its Justices by expressly claiming that its Supreme Court must be

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[19] The Court must accept the construction given by a State to its own statute. *Pollard* v. *Dwight*, 8 U.S. 421, at 429.

[20] *Roe* v. *Wade*, supra, 160, 163.

obeyed even if it decreed the mass murder of Jews, or anyone else, to be liberty. An incredulous U.S. District Judge asked the U.S. Government:

> **[U.S. District Judge]: Let me ask you to respond to this question. The plaintiff argues in his brief that the Supreme Court in *Roe v. Wade* took a discrete group of entities and said that these entities have no right to live, and thus may be killed .... And he said if you take *Roe v. Wade* and remove the word "fetus" and just substitute most any other word you want of another discrete group, that we wouldn't be here discussing this at all. Let's say that instead of "fetus," they said "Jews." That is the one he used in his brief.**
>
> **Would you argue stare decisis to me if, under Roe v. Wade, at the whim of neighbors Jews could be put to death?**
>
> **[U.S. Govt. Lawyer]: (I) would have to agree with the doctrine of stare decisis and advance it to the court.**[21]

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[21] *Ernest* v. *U.S. Attorney for the Eastern District of Virginia and U.S. Attorney General*, U.S. District Court in Richmond, Civ. No. 84-0858, transcript of proceedings at 21-22. This complaint attacked the validity of *Roe* v. *Wade* on the grounds that the U.S. Supreme Court cannot lawfully decree mass murder to be liberty. It demanded that the District Judge refuse to obey *Roe* v. *Wade*.

2. As victims were being killed in defiance of murder statutes, the U.S. District Judge adopted the U.S. Government's claim that he must obey the U.S. Supreme Court even if it decreed the mass murder of Jews, or anyone else, to be liberty. And on review, not one Justice had any objection to this ruling.[22]

3. And the Justices themselves were accused of mass murder in a U.S. District Court on the grounds they cannot lawfully decree mass murder to be liberty. Each Justice defended himself or herself by claiming that all lower courts must obey the U.S. Supreme Court "no matter how misguided" its decrees may appear to be.[23]

4. Thus both the U.S. Government and the Justices of the U.S. Supreme Court maintain the Roe v. Wade killings by officially claiming the power to decree the mass murder of Jews, or anyone else, to be liberty.

5. Consequently, the Justices of the U.S. Supreme Court, and the U.S. Government itself, repudiate the *unmistakable, unforgettable* and *unalienable* right to life for **each** and **every person** in America.

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[22] *Ernest* v. *U.S. Attorney for the Eastern District of Virginia, and U.S. Attorney General*, cert. Denied 475 U.S. 1084 (1986).

[23] *Ernest* v. *Rehnquist, Stevens, Breyer, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, etc., U.S. Attorney, etc., U.S. Attorney General*, U.S. District Court in Alexandria, Civil No. 89-732-A, Defendants' *Motion to Dismiss*, page 3. The District Court adopted this argument as law by summary decree, refusing to even allow a hearing.

III.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:

Justices of the U.S. Supreme Court usurp a discretionary power, a power "*unhampered by legal rule*," to fabricate false evidence to condemn tens of millions of victims to death.

A.

In Roe v. Wade, the Justices fabricated false evidence in order to infer that the words "any person," as used in the Fourteenth Amendment, do not include unborn persons.

1. In order to infer that the plain words "any person," as used in the Fourteenth Amendment, do not mean what they expressly say, the Justices fabricated a false history of 19th century medicine and law.

2. The Court fabricated the hypothesis that the 19th century abortion statutes were intended to protect only the mother, not the unborn person. From this the Justices conjectured that the American people never intended the lives of unborn persons to be protected by law.

B.

This false hypothesis was fabricated as follows.

1. **The Court first asserted as fact:**

> "When most criminal abortion laws were first enacted, the procedure was a hazardous one for the woman." *Roe* v. *Wade*, at 148.

The Justices claimed that abortions, even by physicians, were hazardous to the woman.

2. The only authority the Court cited to prove its assertion was a 20th century medical history book.[24] But this book only described the hazards of major surgery in general prior to Lister's discovery of antiseptics. The abortion operation was not mentioned anywhere in the entire book.

3. But, the 19th century obstetric authorities throughout the Western world prove that abortions by physicians were "perfectly safe" to the woman.[25] The Court did not examine even one of these 19th century obstetric textbooks.

These medical texts prove the Court's assertion of fact, "the procedure was a hazardous one for the woman," to be ***false***.

4. The Court never revealed the hazardous abortion procedure to which it was referring. In order to save the life of the mother, the 19th century physicians used the ancient method,[26] which one physician

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[24] Haagensen and Lloyd, *A Hundred Years of Medicine* 19 (1943), cited in *Roe v Wade*, 410 U.S. at 148 n. 43.

[25] 2 T. Denman, M.D., *An Introduction to the Practice of Midwifery* 96 (1802). He was a standard English authority. A French physician wrote "experience has proved that the dangers of the operation are reduced to a small matter." A.L.M. Velpeau, M.D., *A Complete Treatise on Midwifery* 530 (4th Am. ed. 1852). The preeminent American physician wrote "to the mother there is very little danger." H.L. Hodge, M.D., *The Principles and Practice of Obstetrics* 293 (1864).

[26] Dr. Denman, a standard authority in England, wrote in 1802: 'the membranes of the ovum are punctured," which permitted "the discharge of the waters," which induced the "action of the uterus," which resulted in the expulsion of the fetus from the womb, which was "***perfectly safe***" to the woman.

traced back 2000 years,[27] and which they described as "perfectly safe" to the woman.

5. Since abortions by physicians were not hazardous to the mother, the only motivating purpose the abortion statutes could have had was to protect the lives of the unborn from destruction by abortions.
6. Had it been the purpose of the legislators to only protect the life of the mother, they would have simply required all abortions to be performed by physicians.

C.

1. **The Court next asserted as fact**:

"Abortion mortality was high."
Roe v. *Wade*, 410 U.S. at 149.

But, the Court cited no authority whatever to support its four word assertion of fact, nor could it.

2. The Court's assertion of fact, "Abortion mortality was high," is a bald assertion of false fact.

3. The 19th century obstetric authorities prove this assertion of fact to be false. The obstetric texts show that abortions by physicians were "perfectly safe" to women. If the purpose of these statutes was only to

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2 T. Denman, *An Introduction to the Practice of Midwifery* 96-99 (1802). (Emphasis added).

[27] F. Ramsbotham, M.D., *The Principles and Practice of Obstetric Medicine* 724 (4th ed. 1856).

protect women, they would simply require all abortions to be performed by physicians.

4. An 1860 study by the American Medical Association contrasted the striking difference between safe abortions by physicians, and lethal abortions by criminals:

> "In thirty-four cases of criminal abortion ... twenty-two were followed ... by death, and only twelve were not. In fifteen cases necessarily induced by physicians, not one was fatal." H.R. Storer, M.D., *On Criminal Abortion in America* 43 (1860).

5. **Conclusion:** Since legislatures prohibited safe abortions by physicians, despite the great danger to the mother from criminal abortions, it proves that their motivating concern was to protect unborn life.

D.

The Court next asserted the conclusion it inferred from these two false assertions of fact:

> "[A] State's real concern in enacting a criminal abortion law was to protect the pregnant woman, that is, to restrain her from submitting to a procedure that placed her life in serious jeopardy." *Roe v. Wade*, 410 U.S. at 149.

This is a false inference, drawn from two false assertions of fact.

E.

Finally, the Justices invoke their false inference to support their conjecture:

> "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." *Roe* v. *Wade*, 410 U.S. at 158.

F.

1. In addition to their fabricated false evidence, the Justices also cited page after page of other ***extrinsic circumstances*** to support their inference that the U.S. Constitution's plain words do not mean what they expressly say, such as the opinion of the American Bar Association, the American Law Institute, and the American Public Health Association. Roe v. Wade, at 138-156.

2. But all this pseudo-scholarship, invoked for the purpose of hiding treason in a fog of sophistry, is irrelevant. As Chief Justice John Marshall confirms in *Cohens v. Virginia*, judges are *not authorized* to infer from ***extrinsic circumstances*** that the plain words in the U.S. Constitution do not mean what they expressly say.

G.

1. In effect, Roe v. Wade reproduces the reasoning it used in Dred Scott v. Sandford:

a. In *Dred Scott*, the Court inferred from ***extrinsic circumstances*** that the plain words "any person," as used in the Fifth Amendment, do not mean what they expressly say, and the word "person" did not include persons of African descent.

b. And, from its ***extrinsic circumstances***, the Court boldly inferred that "the right of property in a slave is distinctly and expressly affirmed in the Constitution." *Dred Scott*, 60 U.S. 393, at 720.

c. But, in his *Cooper Institute Address*, and his *First Inaugural Address* Abraham Lincoln pointed out that a right of property in a slave is not "distinctly and expressly" affirmed in the Constitution; rather the right was only ***conjectured***.

2. **Thus the legal foundation of Union power in the Civil War**: A conjectured constitutional right cannot destroy the U.S. Constitution's "plainly written" limits on government powers.

Conclusion: Judges who fabricate false evidence, and invoke irrelevant ***extrinsic circumstances***, destroy the legitimacy of the judicial process.[28]

IV.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:

To conjecture a constitutional right to kill unborn persons, the Justices used a burden of proof, which Chief Justice John Marshall rejected as "treason to the constitution," and which amounts to **FIRST THE HANGING, THEN THE TRIAL.**

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[28] This was shown to Professor Arthur Miller, who served as the Chief Consultant on Constitutional Law to the Senate Watergate Committee. He commented that this false evidence "raises the question of legitimacy." Arthur Miller, *The Supreme Court, the Adversary System, and the Flow of Information to the Justices*, 61 Virginia Law Review 1187, 1213 (1975).

A.

1. The Court previously used the correct burden to understand the general principle, that "any person" is entitled to "equal protection of the laws."[29] But, in *Roe* v. *Wade*, the Court actually reversed the burden.

2. In *Cohens v. Virginia*, the Chief Justice explains what judges must prove to infer an exception to the Constitution's plainly written general principles:

a. Just as the words "all cases" (Article III, Section 2) employ the language of mathematics to establish a general principle with precision, **[ALL CASES = 100%; NO EXCEPTIONS WHATEVER = 0]**, so the words "any person" (Fourteenth Amendment) also employ the language of mathematics to establish a general principle with precision **[ANY PERSON = 100%; NO EXCEPTIONS WHATEVER = 0]**.

b. Consequently, in order to infer from ***extrinsic circumstances*** that these two plainly written general principles do not mean what they expressly say, the Justices must prove that including a particular case within the general principle would be "so monstrous, that all mankind would, without hesitation, unite in rejecting the application."[30]

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[29] The Court ruled the words "any person" included Chinese aliens ("subjects of the emperor of China") merely saying the words are "universal." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 369 (1886). And the Court was so sure that the words "any person" included "corporations" it refused to allow counsel to argue against it. *Santa Clara* v. *So. Pac. RR*, at 396 (1886).

[30] In *Sturges* v. *Crowninshield*, at 202-203, Chief Justice Marshall confirms the Constitution's rule for preserving its

c. But this burden of proof is impossible to meet in the case of unborn persons, or any other persons.

3. Consequently, the U.S. Constitution's language of mathematics establishes a burden of proof which ***unmistakably*** protects the lives of all persons from government sanctioned extermination, as happened in Hitler's Germany, or Stalin's Russia.

B.

But in *Roe v. Wade* the Justices seek to evade this unmistakable truth by exactly reversing the burden of proof confirmed by Chief Justice John Marshall.

This perverted burden of proof is inherent in the Court's "compelling state interest" test, which does not appear anywhere in the text of the Constitution. Thus this test is more "***extrinsic circumstances***."

1. First, the Justices ***conjectured*** a constitutional right of privacy:

> "The Constitution does not explicitly mention a right of privacy." Roe v. Wade, at 152
> However, "the Court has recognized a right of personal privacy." Roe v. Wade, at 152

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general principles: "But if, in any case, the plain meaning of a provision ... is to be disregarded, because we believe the framers of that instrument could not intend what they say, it must be one in which the absurdity and injustice of applying the provision to the case, would be so monstrous, that all mankind would, without hesitation, unite in rejecting the application."

2. **Next**, the Justices ***conjectured*** that the imagined right of "personal privacy" somehow includes a right to kill unborn persons:

> "We, therefore, conclude that the right of personal privacy includes the abortion decision." Roe v. Wade, at 154.

But this is merely a ***conjectured*** right, inferred from ***extrinsic circumstances.*** Unlike the freedom of speech and religion, it is not plainly written in the U.S. Constitution. The right to kill unborn persons is merely ***imagined***.

3. **Then**, ***after having already decreed a constitutional right to kill unborn persons***: the Justices placed the heavy burden on the unborn persons to prove, with "assurance,"[31] by "compelling" evidence that their right to life is secured by the Fourteenth Amendment. Roe v. Wade, at 155-157.

4. **Finally**, usurping a discretionary power, a power "unhampered by legal rule," of "weighing" "arguments" on a "scale," the Justices ruled that unborn persons had not met their heavy burden of proof, and thus:

> "the word '**person**,' as used in the Fourteenth Amendment, does not include the unborn." Roe v. Wade, at 158. (Emphasis added).

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[31] *Assure* means "to make certain and place beyond doubt." *Black's Law Dictionary*.

NOTE: The Court omitted the word "any," in "**any person,**" thus destroying its mathematical precision. This makes the definition of the naked word "**person**" appear a mere matter of argument, and thus subject to a final decision based on judicial discretion, a power "unhampered by legal rule," of "weighing" "arguments" on a "scale."

5. In effect, the Court employs the burden of *guilty until proven innocent*. In *Alice in Wonderland*, the Red Queen says: "Sentence first, verdict afterwards." And, in effect, the Justices who support Roe v. Wade say: **First the hanging, then the trial.**

6. **Thus, by reversing the burden of proof**, the Justices: (a) *disregard* the Constitution's plainly written right to life for "any person," designed in the language of mathematics, to secure the right to life for all unborn persons, and all other persons, to an ABSOLUTE MATHEMATICAL CERTAINTY; and they (b) ***conjecture*** a constitutional right to kill unborn persons, to which we are not guided by the language of any part of the Constitution; and (c) construe the Constitution's ***plain*** limits on power to be ***obscure***.

V.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:

The Justices of the U.S. Supreme Court usurp a discretionary power, a power "*unhampered by legal rule*," to disregard all the legal and medical history which confirms that the Constitution's plainly written right to life, secured by the Preamble, Fifth

and Fourteenth Amendments, means what it expressly says, and includes all unborn persons.

A.

The medical and legal history of the nineteenth century criminal abortion statutes is an ***extrinsic circumstance***; but it is relevant because it ***supports*** the Constitution, and ***confirms*** that the plain words in the Fourteenth Amendment mean what the words expressly say, and secure the right to life for all unborn persons, along with all other persons, with no exceptions whatever.

1. Since the first English settlements in America, the common law protected the lives of unborn persons by prohibiting abortion as a crime. And some abortions were prosecuted as "murder."[32]

2. The ancient common law supposed that life commenced at "quickening" when the mother felt the child stir in her womb. But the advance of medical science and judicial revision makes it impossible for Justices to assert with assurance that the common law in 1868 was any different than the abortion statutes supplanting it.

3. As one State court observed:

> "By the ancient common law...as the life of an infant was not supposed to begin until it stirred in the mother's womb, it was not regarded as a

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[32] Coke, 3 *Inst.* 50; Hawkins, 1 *Hawkins* Ch. 13, s. 16; Blackstone, 4 *Bl. Com.* 198.

criminal offense to commit an abortion in the early stages of pregnancy. A considerable change in the law has taken place in many jurisdictions by the silent and steady progress of judicial opinion; and it has been frequently held by Courts of high character that abortion is a crime at common law without regard to the stage of gestation." [33]

4. When the Fourteenth Amendment was adopted in 1868, over three-fourths of the ratifying States had already enacted statutes which made abortion at any stage of gestation a crime.[34] Within a few years, these criminal statutes were universal.

5. By 1868, medical science had long rejected the ancient notion that life commenced at "quickening." The abortion statutes reflected the views of medical science that there was no time during gestation when the unborn were not alive.

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[33] *Lamb* v. *State*, 67 Md. 524 (1887). Some state supreme courts ruled that the common law made abortion at any stage of gestation a crime. *Mills* v. *Comm.*, 13 Pa. 631 (1850); *State* v. *Slagle*, 83 N.C. 544 (1880); *State* v. *Reed*, 45 Ark. 333 (1885). And those state supreme courts which ruled that abortion prior to quickening was not a common law crime were immediately overruled by their legislatures which made abortion at any stage of pregnancy a crime. *Comm.* v. *Parker*, 50 Mass. 263 (1845), was immediately overruled by Mass. Acts & Resolves ch. 27 (1845). *State* v. *Cooper*, 22 N.J.L. 52 (1849), was immediately overruled by N.J. Laws at 266 (1849). *Abrahams* v. *Foshee*, 3 Iowa 274 (1856) was overruled by the next legislature, Iowa Rev. Laws, tit. XXIII, ch. 165. art. 2, sec. 4221 (1860).

[34] See statutes in Quay, *Justifiable Abortion, Medical and Legal Foundations*, 49 Geo. L. J. 447-520 (1961).

6. The 19th century treatises on criminal law stated that the fetus was "a living being immediately after conception" and the States' abortion statutes were intended to protect the lives of unborn persons during all stages of gestation.[35]

7 And State supreme courts ruled that these abortion statutes protected the lives of unborn persons.[36] And authors of the statutes said their purpose was to protect the unborn.[37]

B.

1. A physician, who helped draft Virginia's 1848 state abortion statute, explained that science had rejected the ancient view that life began at quickening, and "(T)he civil rights of the unborn child are perfect from the very commencement of its being:"

> "(T)hat the embryo is endowed with an inherent vitality from the first moment of conception, and is therefore as much entitled to the protection of the law before the period of "quickening" as after it, every well-informed physician must yield a ready assent. The old doctrine, once held by medical men...that the foetus first becomes animated, or endowed with distinct vitality, at the moment when the sensation of quickening is experienced

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[35] 1 F. Wharton, *A Treatise on the Criminal Law of the United States* 656-57 (5th ed. 1861).

[36] *Smith* v. *State*, 33 Me 48 (1851).

[37] See quotes, *infra* pages 23-24, of Joynes, who authored the Virginia statute, and of the AMA, which proffered a model statute to the States.

by the mother, has been long since banished from the domain of science ... and now only finds a retreat in the dark and ancient caverns of common law...."

"(T)he civil rights of the unborn child are perfect from the very commencement of its being."

L.S. Joynes, M.D, "Foetus in Utero," *Virginia Medical Journal* 179-180, 187 (1856).

2. In 1860, the President of the American Medical Association condemned the view of the ancient common law as a "barbarous physiology" and urged the States to enact statutes to protect all stages of unborn life:

"This relic of a barbarous physiology needs to be exploded, and the truth should be generally promulgated, that, from the moment of conception, a new being is engendered." 13 *Transactions of the American Medical Association* 56-7 (1860).

3. And America's eminent professor of obstetric medicine wrote in 1860:

From the moment of fecundation, the new being becomes independent...its individuality is complete....(T)here is a progressive...advancing from one degree of perfection to another. Every protection, therefore, which is extended by

> human legislation to the young infant...should be equally effectual in securing the life of the embryo from the earliest period of its existence.[38]

4. In construing the phrase in its Constitution, "Everybody has the right to life," the Supreme Court of West Germany ruled that the word "everybody" did include the unborn, and the State had a duty to protect unborn life: "No distinction can be made among the several stages of developing life before birth, or between prenatal and postnatal life."

5. The Constitution establishes a general principle to secure the life and liberty of everyone; and, as the understanding of medical science advances, so does the general principle. The Constitution's definition of human life is not frozen in the medical knowledge of the 18th century.

C.

And the Declaration of Independence affirms that all men are "***created***" equal, and endowed with an "***unalienable***" right to life.

Thus the Declaration of Independence is an *extrinsic circumstance* which is relevant because it ***confirms*** that the plain words in the Preamble, Fifth and

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[38] H.L. Hodge, M.D., *The Principles and Practice of Obstetrics* 78 (1864). Hodge's "name had become a household word throughout the land" and his book "valued among the very first works on obstetrics ever issued from the American or foreign press." R. Penrose, M.D., *Discourse on Life of H.L. Hodge* 20-21 (1872).

Fourteenth Amendments mean what they expressly say, and secure the right to life for all unborn persons, along with all other persons.

D.

However, the Justices infer from ***extrinsic circumstances*** that the understanding of unborn life is frozen in 18th century medical science, which the president of the AMA rejected as "a barbarous physiology;" which courts had ruled "never ought to have been the law anywhere;"[39] which legislatures had condemned as criminal; and which *destroys* the plain words in the U.S. Constitution.

Conclusion: The ***extrinsic circumstances,*** *supra,* confirm that the plain words in the Fourteenth Amendment, which secure the right to life for "any person," mean what the words expressly say, and secure the right to life of all unborn persons, along with all other persons, with no exceptions whatever.

VI.

WITHOUT THE ASSISTANCE OF COUNSEL TO REPRESENT THE VICTIMS TO BE KILLED:

The Justices of the U.S. Supreme Court "usurp" discretionary power not authorized to commit "treason to the constitution" in order to condemn tens of millions of victims to death.

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[39] *Mills* v. *Comm.*, 13 Pa. at 632 (1850).

A.

As shown in the amicus curiae brief by the *Legal Defense for Unborn Children,* filed herein:

1. The U.S. Constitution is written in the language of mathematics to establish, to an **ABSOLUTE MATHEMATICAL CERTAINTY**, that the right to life secured by the Preamble, Fifth and Fourteenth Amendments includes all unborn persons, along with all other persons in America, with no exceptions whatsoever.

2. Furthermore, *Cohens v. Virginia* confirms:

a. Since all judges have a constitutional duty "to support" the words in the U.S. Constitution: Judges can always infer from ***extrinsic circumstances*** that the plain words in the U.S. Constitution mean what they expressly say.

b. **But, on the other hand**, since the power to amend the Constitution belongs solely to We the People: Judges are ***not authorized*** to infer from ***extrinsic circumstances*** that the plain words in the U.S. Constitution do not mean what they expressly say.

c. And, *Cohens v. Virginia* warns the judiciary: Judges who "usurp" power ***not authorized*** commit "treason to the constitution."

3. When a party inferred from ***extrinsic circumstances*** that the plainly written general prohibition, "No State shall emit bills of credit," did

not mean what it expressly says, Chief Justice Marshall defends the integrity of this general principle:

> "This court would ***not*** feel itself ***authorized*** to ***disregard*** the plain meaning of words, in search of a ***conjectured*** intent to which we are not conducted by the language of any part of the instrument." *Craig v. Missouri,* at 433. (Emphasis added).

B.

Consequently, the Justices who support the Roe v. Wade killings "usurp" a discretionary power ***not authorized*** and commit "treason to the constitution:"

1. The Justices ***disregard*** the plainly written general principle in the Fourteenth Amendment:

The Fourteenth Amendment is written in the language of mathematics to secure the right to life for all unborn persons, along with all other persons, to an **ABSOLUTE MATHEMATICAL CERTAINTY.**

2. And the Justices ***conjecture*** a novel constitutional right, a right to kill unborn persons, "to which we are not conducted by the language of any part of the instrument."

The Justices first (1) ***conjecture*** a right of privacy; and then (2) they ***conjecture*** that this imagined right of privacy includes a right to kill unborn persons; and then (3) they ***conjecture*** that their conjectures can destroy the Constitution's plainly written **GENERAL** principles.

3. Finally, the Justices ***disregard*** the Fourteenth Amendment's command that judges have **no discretion ("SHALL" OBEY = NO DISCRETION)** to infer exceptions to the words "any person;" and "hanging inference on inference, from heaven to earth, like Jacob's ladder," the Justices ***conjecture*** the discretion, a power "unhampered by legal rule," to "sport away the vested rights of others."

4. **And in particular**: The Justices employ a fraudulent means, of fabricating false evidence, and invoking irrelevant *extrinsic circumstances*, to reach a treasonable end:

a. The Justices "usurp" a discretionary power, a power "unhampered by legal rule," of "**weighing**" "**arguments**" on a "**scale**," in order ***to infer from extrinsic circumstances***, that the Constitution's **GENERAL** principle, that "any person" is entitled to "the equal protection of the laws," is a mere **LIMITED** principle, which only secures "the equal protection of the laws" for ***some*** persons, but not ***others***; and at their "discretion sport away the vested rights of others."

b. In this manner, the Justices destroy the general principle, reduce the U.S. Constitution "to nothing," and commit "treason to the constitution."

5. In *Gibbons v. Ogden*, Chief Justice John Marshall warns that "Powerful and ingenious minds" were drawing inferences from ***extrinsic circumstances*** to conjecture intents which "explain away the constitution of our country" and render it "totally unfit for use." And, Roe v. Wade is an example of

"ingenious minds" drawing inferences from ***extrinsic circumstances*** to conjecture intents which "explain away" the Constitution's plainly written provisions; and render the Constitution "totally unfit for use."

The Constitution is designed to be ***unmistakable***, and command ***obedience***; but Justices construe it to be ***obscure***, and obedience ***discretionary***, and thus "***unhampered by legal rule***." This is "treason to the Constitution."

Conclusion: The Justices usurp a treasonable power to condemn to death tens of million of victims whom the U.S. Constitution endeavors to preserve with the plainest words the human mind can know.

VII.

The Justices of the U.S. Supreme Court use the judicial procedures to effect and maintain their Roe v. Wade killings which the Nuremberg Tribunal condemned as "not a judicial proceeding, but a murder,"[40]

A.

The Justices effected and maintain their *Roe v. Wade* killings by refusing to allow counsel to represent unborn persons and defend their constitutional right to life.

1. Counsel did not especially represent the unborn in the U.S. District Court, or at any stage in *Roe v.*

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[40] *United States v. Altstoetter*, 3 Trials of War Criminals before the Nuernberg Military Tribunals, 1046-47, 1146 (1951).

Wade. A party objected that unborn persons should be represented by counsel:

> "(T)he Court should have every benefit of a complete record and the representation of a guardian ad litem for that fetal entity and for its natural right to develop to birth." Petition for Rehearing 5, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

2. But the Justices refused to allow counsel to represent unborn persons and defend their right to life under the U.S. Constitution. Thus the Court commenced its killings.

3. And the Justices maintain their Roe v. Wade killings by steadfastly refusing to allow counsel to represent unborn persons, and defend their right to life under the Constitution.[41]

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[41] *Colautti* v. *Franklin*, 439 U.S. 379, motion to allow counsel for the unborn denied 437 U.S. 902; *Anders* v. *Floyd*, 440 U.S. 445, motion to allow counsel for the unborn denied 439 U.S. 890; *Bellotti v. Baird*, 443 U.S. 622, motion to allow counsel for the unborn denied 439 U.S. 1065; *Ashcroft* v. *Freiman*, affirmed 440 U.S. 941, motion to allow counsel for the unborn denied 440 U.S. 941; *United States* v. *Zbaraz*, 448 U.S. 358, motion to allow counsel for the unborn denied 444 U.S. 1030; *Harris* v. *McRae*, 448 U.S. 297, motion to allow counsel for the unborn denied 445 U.S. 941; *H.L.* v. *Matheson*, 450 U.S. 398, motion to allow counsel for the unborn denied 445 U.S. 959; *Simopoulos* v. *Virginia*, 462 U.S. 506, motion to allow counsel for the unborn denied 458 U.S. 1104; *Planned Parenthood of Kansas City* v. *Ashcroft*, 462 U.S. 476, motion to allow counsel for the unborn denied 458 U.S. 1104; *Akron Center for Reproductive Health v. Akron*, 462 U.S. 416, motion to allow counsel for the unborn denied 458 U.S. 1104; *Diamond v. Charles*, 476 U.S. 54, motion

4. Unborn persons have a constitutional right to be represented by counsel to defend their right to life under the U.S. Constitution.[42] Judges who willfully

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to allow counsel for the unborn denied 473 U.S. 932; *Thornburgh* v. *American College of Obstetricians*, 476 U.S. 747, motion to allow counsel for the unborn denied 473 U.S. 931; *Hartigan* v. *Zbaraz*, 484 U.S. 171, motion to allow counsel for the unborn denied 479 U.S. 1003; *Webster v. Reproductive Health Services*, 492 U.S. 490, motion to allow counsel for the unborn denied 489 U.S. 106; *Ohio* v. *Akron Center for Reproductive Health*, 497 U.S. 502, motion to allow counsel for the unborn denied 493 U.S. 802; *Hodgson* v. *Minnesota*, 497 U.S. 417, motion to allow counsel for the unborn denied 492 U.S. 803; *New York* v. *Sullivan*, 500 U.S. 173, motion to allow counsel for the unborn denied 497 U.S. 1002; *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 120 L Ed 2d 674, motion to allow counsel for the unborn denied 117 L Ed 2d 614; *National Organization for Women* v. *Scheidler*, 126 L Ed 2d 99, motion to allow counsel for the unborn denied 125 L Ed 2d 786 (1993); *Schenck* v. *Pro-Choice Network of Western New York*, 137 L Ed 2d 1 (1996), motion to allow counsel for the unborn denied 135 L Ed 2d 188 (1996); *Hill* v. *Colorado*, 147 L Ed 2d 597 (1999) motion to allow counsel to represent unborn denied 145 L Ed 2d 405 (1999); *Stenberg* v. *Carhart*, 147 L Ed 2d 743 (2000), motion to allow counsel for the unborn denied, 146 L Ed 2d 216 (2000); *Scheidler* v. *National Organization for Women*, 537 U.S. 393 (2003), motion to allow counsel for the unborn denied 536 U.S. 981, etc.

[42] Even in civil proceedings, where crucial deprivations are threatened, such as loss of welfare, due process guarantees: (1) prior notice of the factual and legal bases; (2) the right to be represented by counsel; (3) the right to confront and cross-examine adverse evidence; and (4) the right to present evidence. *Goldberg* v. *Kelly*, 397 U.S. 254, 268-271 (1970); *In Re Gault*, 387 U.S. 1 (1967).

deny this right are guilty of crime.[43] This denial makes *Roe v. Wade* void.

B.

The Justices effected their *Roe v. Wade* killings by refusing to allow any prior notice of the factual or legal basis used to infer that the lives of unborn persons are not protected by the U.S. Constitution.

1. The U.S. District Court in *Roe v. Wade* did not even look to see if the lives of unborn persons were protected by the Constitution. This question was argued for the first time after the case reached the U.S. Supreme Court. Since the Court had never previously excluded anyone from the protection of the U.S. Constitution so they could be killed with impunity from criminal statutes, the parties had ***no prior notice*** of the factual and legal bases for such an exclusion.

2. In particular, the Justices gave the parties ***no prior notice*** of the constitutional standards, the burdens of proof, or the evidence, which the Court used to infer that the Fourteenth Amendment's express guarantee of life to "any person" did not include unborn persons.

3. The first time the parties had notice was when *Roe v. Wade* was published, and the victims were already

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[43] *Imbler* v. *Pachtman*, 424 U.S. 409 (1976): "Even judges ... could be punished criminally for willful deprivations of constitutional rights.

condemned to death. An original party objected that it lacked the prior notice needed to defend the unborn:

> "(N)ot only did the Court set a new constitutional standard, but at the same moment the Court applied the standard **without giving the Appellees notice** or opportunity to present evidence with respect to the point in gestation at which such standards, if they be correct as a matter of law in the first place, should be applied.[44]

4. But the Justices refused to allow the original parties to have any ***prior notice***. Thus the Justices commenced their killings.

5. And the Justices maintain their killings despite repeated objections that unborn persons had ***no prior notice*** in *Roe v. Wade* of the factual and legal bases needed to defend the right to life of unborn persons under the U.S. Constitution.[45]

6. Unborn persons have a constitutional right to ***prior notice*** of all the factual and legal bases before they can be excluded from the protection of the Constitution so they can be killed with impunity from criminal statutes.[46] Judges who willfully deny this right are guilty of crime.[47] This denial makes

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[44] Petition for Rehearing 6, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). (Emphasis added).

[45] *See* cases in note 41, *supra*.

[46] *See* note 42, *supra*.

[47] *See* note 43, *supra*.

Roe v. Wade void.

C.

The Justices effected their *Roe v. Wade* killings by using secret proceedings to find *extrinsic circumstances* to infer that the lives of unborn persons are not protected by the Constitution:

1. In *Roe v. Wade*, the Justices used secret evidentiary proceedings to find evidence to infer that the Constitution's express guarantee of life to "any person" did not include unborn persons. The Justices conducted these secret proceedings in its own back rooms. The parties were not allowed to be present. No public record was made of these secret proceedings.

2. The purpose of these secret proceedings was to give the Justices an opportunity to find extrinsic circumstances to infer that the Constitution's guarantee of life to "any person," does not mean what it plainly says, and to infer that unborn persons are excluded.

3. An original party objected to these secret proceedings:

> "The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are **unknown to the parties** but which apparently were **extricated from various sources by the Court's diligent research,** which facts nevertheless should be subject to

> refutation and counter-evidence since they form the foundation for the Court's opinion...of constitutional stages of fetal growth." Petition for Rehearing 4, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). [emphasis added]

4. The first time the victims saw the evidence used against them was after *Roe v. Wade* was promulgated, and they were already condemned to death. But the Justices overruled the party's objection to its secret evidentiary proceedings. Thus the Justices commenced their killings.

5. And the Justices maintain their killings despite repeated objections that they used secret proceedings in *Roe v. Wade*.[48]

6. Unborn persons have a constitutional right to not be condemned to death by secret evidentiary proceedings.[49] Judges who willfully deny this right are guilty of crime.[50] This denial makes Roe v. Wade void.

D.

The Justices effected and maintain their Roe v. Wade killings by refusing to allow their false evidence, which they used to infer that the lives of unborn persons are not protected by the Constitution, to be confronted and cross-examined.

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[48] *See* cases in note 41, *supra*.

[49] *See* note 42, *supra*.

[50] *See* note 43, *supra*.

1. Since the Justices used secret evidentiary proceedings, the original parties had not seen all the evidence which the Justices used to infer that the lives of unborn persons are not protected by the U.S. Constitution. An original party asked permission to cross-examine the evidence which the Justices used to infer that the lives of unborn persons were not protected by the U.S. Constitution:

> "The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, **which facts nevertheless should be subject to refutation and counter-evidence** since they form the foundation of the Court's opinion...of constitutional stages of fetal growth." [51]

2. But the Justices refused to allow its evidence in *Roe v. Wade*, which it used to infer that the lives of unborn persons were not protected by the U.S. Constitution, to be cross-examined. Thus the Justices commenced their killings.

3. And despite repeated objections that the Justices fabricated false evidence in *Roe v. Wade* in order to infer that the Constitution's express guarantee of life to "any person" did not include unborn persons, the

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[51] Petition for Rehearing 4, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973). (Emphasis added).

Justices maintain their killings by steadfastly refusing to allow their evidence to be confronted and cross-examined.[52]

4. Unborn persons have a constitutional right to confront and cross-examine the evidence which the Court used to infer that their lives are not protected by the U.S. Constitution.[53] Judges who willfully deny this right are guilty of crime.[54] This denial makes *Roe v. Wade* void.

E.

The Justices effected and maintain their Roe v. Wade killings by refusing to allow evidence to be presented on behalf of unborn persons to prove that the right to life, secured by the U.S. Constitution's Preamble, Fifth and Fourteenth Amendments includes all unborn persons, along with all other persons in America, with no exceptions whatsoever.

1. In *Roe v. Wade*, the Court invented new constitutional standards on the protection of life which the parties did not see until after *Roe v. Wade* was decided. The parties never had opportunity to present evidence under these new standards.

2. An original party requested "an opportunity to present evidence" under the new standards, which it had not seen before, to show that the lives of unborn

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[52] *See* cases in note 41, *supra*.

[53] *See* note 42, *supra*.

[54] *See* note 43, *supra*.

persons are protected by the Constitution.[55] The party said:

> "Appellees have had **no opportunity to show by evidence** in a traditional judicial trial setting at what gestational stage the separate life of the fetus is "meaningful" medically; in addition, the Court overlooked the significance of Georgia's legal recognition of meaningful human life as found in case law and statute....
>
> With **no opportunity** for Appellees to demonstrate the factual basis, in terms of current medical science, that its interest attaches at a particular point in the natural development of a human fetus, the Court has seized upon the convenient point of "viability" and crystallized constitutional command which bars State action.....
>
> ....
>
> At any rate, Appellees **should have an opportunity to present evidence** and testimony to support the State's claim of medically and scientifically sound interest in requiring a cautious approach to the extinguishment of fetal life." [56]

3. But the Justices refused to allow the party to present evidence to show that the lives of unborn persons were protected by the U.S. Constitution. Thus the Justices commenced their killings.

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[55] Petition for Rehearing at 3 - 6, 8, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

[56] Petition for Rehearing at 3 - 6, 8, *Doe v. Bolton*, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

4. And the Justices maintain their Roe v. Wade killings by steadfastly refusing to allow evidence to be presented on behalf of unborn persons to prove that their lives are protected by the U.S. Constitution.[57]

5. Unborn persons have a constitutional right to present evidence in this case to prove that their lives are protected by the U.S. Constitution.[58] Judges who willfully deny this right are guilty of crime.[59] This denial makes *Roe v. Wade* void.

Conclusion on Judicial Procedures

The Nuremberg Tribunal cited these judicial procedures as part of its evidence to convict Nazi judges of complicity in extermination and murder:

> "In many instances they [the accused] were denied the right to introduce evidence, to be confronted by witnesses against them....They were...denied the right of counsel of their own choice....(T)he accused learned only a few moments before trial of the nature of the alleged crime for which he was to be tried. The entire proceedings from beginning to end were secret and no public record was allowed to be made of them." [60]

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[57] *See* cases in note 41, *supra*.

[58] *See* note 42, *supra*.

[59] *See* note 43, *supra*.

[60] *United States v. Altstoetter* [The Justice Case], 3 Trials of War Criminals Before the Nuernberg Military Tribunals 1046-47 (1951).

CONCLUSION
The Demand for the Relief Sought

Counsel moves the Court for leave to represent all unborn persons to demonstrate:

> The U.S. Constitution is written in the language of mathematics to establish, to an **ABSOLUTE MATHEMATICAL CERTAINTY**, that the right to life secured by the Preamble, Fifth and Fourteenth Amendments includes all unborn persons, along with all other persons in America.

Submitted by:
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